

### **REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

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The disclosure has been amended to reference the parent applications. The Applicant thanks the Examiner for pointing out this inadvertent omission. The objection to the disclosure is thus deemed to be overcome.

Claim 20 has been amended to remove the term “substantially” and recited that the gene encodes the amino acid sequence of SEQ ID No. 46.

In the present specification, page 47, lines 14-17, it is described that SEQ ID No. 46 is the base sequence of gene encoding HA and the amino acid sequence of polypeptide (HA) encoded by the base sequence.

Claim 22 has been amended to remove the term “substantially” and to specify that the gene encodes the amino acid sequence of SEQ ID No. 50 or the amino acid sequence of SEQ ID No. 58.

It is described in page 49, lines 19-23 that the amino acid sequence of SEQ ID No. 50 is polypeptide encoded by the base sequence of SEQ ID No. 49, and in page 54, lines 7-11, that the amino acid sequence of SEQ ID No. 58 is polypeptide encoded by the base sequence of SEQ ID No. 57.

The rejection of the claims under 35 USC 112, first and second paragraphs, is deemed to be overcome in view of the foregoing amendments.

The rejection of claims 20 and 22 under 35 USC 102 as anticipated by McCauley et al. is also deemed to be overcome in view of the foregoing amendments. The claims as amended are not anticipated by the cited reference.

In view of the foregoing, it is believed that the claims are now in condition for allowance,  
and such allowance is solicited.

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Respectfully submitted,

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